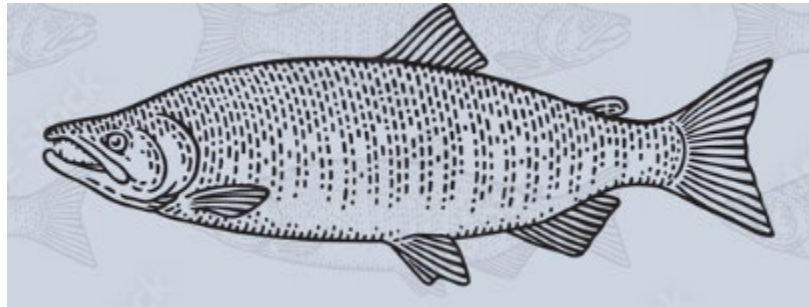


**Bering Sea Chum Salmon Bycatch Management
Environmental Impact Statement**

Scoping Report



**United States Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service, Alaska Region**

October 2023

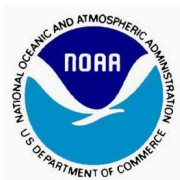


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Introduction

This report summarizes the public comments the National Marine Fisheries Service (NMFS) received during the July 11, 2023 through September 15, 2023 scoping period for the Environmental Impact Statement (EIS) that will analyze issues related to minimizing chum salmon bycatch in the Bering Sea pollock fishery in the Bering Sea subarea of the Bering Sea and Aleutian Islands (BSAI) Management Area¹. That scoping period began the public process of developing the EIS in accordance with the National Environmental Policy Act (NEPA). The EIS is intended to evaluate the potential environmental, social, and economic effects of alternative management measures designed to achieve the North Pacific Fishery Management Council's (Council) Purpose and Need for this issue and inform the Council's recommendations to the NMFS on this proposed action. The EIS will also serve as NMFS's central informational document in the agency's decision-making on this proposed action and will help ensure that management of the Alaska groundfish fisheries complies with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and other relevant statutes.

What is this Action?

This action would minimize the bycatch of Western Alaska origin chum salmon in the Bering Sea pollock fishery to the extent practicable (National Standard 9 and section 303(1)(11) of the Magnuson-Stevens Act) and consistent with the other National Standards. This action would create another layer in the Council's existing salmon bycatch management program. The current salmon bycatch management program is largely formed under Amendments 91 and 110 to the BSAI Groundfish FMP which have established a series of measures to minimize Chinook and chum salmon bycatch in the Bering Sea pollock fishery. In April 2023, the Council stated that its intent with this action is to minimize Western Alaska chum salmon bycatch while balancing the National Standards and maintaining the objectives of salmon bycatch management measures established within the existing program.

The Council has received scientific reports outlining the impact of warming ocean conditions on chum salmon mortality at sea, as well as substantial public comment and input from Western and Interior Alaska Tribes, Tribal Consortia, and subsistence salmon harvesters describing the importance of chum salmon for food security, wellbeing, the continuation of meaningful cultural practices and related Traditional Knowledge (TK) systems, as well as broader concerns of stewardship practices for salmon resources. The Council has also received public comments and annual presentations from pollock industry representatives on their efforts to minimize Chinook and chum salmon bycatch. Implementing additional chum salmon bycatch management measures could potentially have some positive benefit on the number of chum salmon that return to Western Alaska rivers. Any additional chum salmon returning to Alaska river systems improves the ability to meet the State of Alaska's spawning escapement goals which is necessary for the long-term sustainability of chum salmon fisheries.

¹ NMFS monitors salmon PSC as either "Chinook PSC" or "non-Chinook PSC." Sockeye (*Oncorhynchus nerka*), coho (*O. kisutch*), pink (*O. gorbuscha*), and chum salmon (*O. keta*) are included in the non-Chinook PSC category, but over 99% of the salmon bycatch in the non-Chinook category are chum salmon.

Overview of the Preliminary Purpose and Need and Alternatives

Preliminary Purpose and Need

In April 2023, the Council adopted the following preliminary Purpose and Need Statement with additional language added by NMFS that addresses National Standard 9:

Salmon are an important fishery resource throughout Alaska, and chum salmon that rear in the Bering Sea support subsistence, commercial, sport, and recreational fisheries throughout Western and Interior Alaska. Western and Interior Alaska salmon stocks are undergoing extreme crises and collapses, with long-running stock problems and consecutive years' failures to achieve escapement goals, U.S.-Canada fish passage treaty requirements, and subsistence harvest needs in the Yukon, Kuskokwim, and Norton Sound regions. These multi-salmon species declines have created adverse impacts to culture and food security and have resulted in reduced access to traditional foods and commercial salmon fisheries.

The best available science suggests that ecosystem and climate changes are the leading causes of recent chum salmon run failures; however, non-Chinook (primarily chum) salmon are taken in the Bering Sea pollock trawl fishery, which reduces the amount of salmon that return to Western and Interior Alaska rivers and subsistence fisheries. It is important to acknowledge and understand all sources of chum mortality and the cumulative impact of various fishing activities. In light of the critical importance of chum salmon to Western Alaska communities and ecosystems, the Council is considering additional measures to further minimize Western Alaska chum bycatch in the pollock fishery.

The purpose of this proposed action is to develop actions to minimize bycatch of Western Alaska chum salmon in the pollock fishery consistent with the Magnuson-Stevens Act, National Standards, and other applicable law. In particular, National Standard 9 provides that conservation and management measures shall, to the extent practicable, (a) minimize bycatch and (b) to the extent bycatch cannot be avoided, minimize the mortality of such bycatch. Consistent, annual genetics stock composition information indicates that the majority of non-Chinook bycatch in the pollock fishery is of Russian/Asian hatchery origin; therefore, alternatives should structure non-Chinook bycatch management measures around improving performance in avoiding Western Alaska chum salmon specifically.

The Council intends to consider establishing additional regulatory non-Chinook bycatch management measures that reduce Western Alaska chum bycatch and meet the following objectives; (1) provide additional opportunities for the pollock trawl fleet to improve performance in avoiding non-Chinook salmon, while maintaining the priority of the objectives of the Amendment 91 and Amendment 110 Chinook salmon bycatch avoidance program; (2) meet and balance the requirements of the Magnuson-Stevens Act, particularly to minimize salmon bycatch to the extent practicable under National Standard 9; (3) include the best scientific information available, including Local Knowledge (LK) and TK, as required by National Standard 2; (4) take into account the importance of fishery resources to fishing communities including those that are dependent on Bering Sea pollock and subsistence salmon fisheries as required under National Standard 8; and (5) achieve optimum yield in the BSAI groundfish fisheries on a continuing basis, in the groundfish fisheries as required under National Standard 1.

Preliminary Alternatives

Alternative 1: Status Quo, no action

Alternative 1 is the current management of the Bering Sea pollock fishery with the measures to minimize non-Chinook salmon PSC under BSAI FMP Amendment 110, as described in the Purpose and Need statement and the associated monitoring and genetic data collection and analysis.

All action alternatives apply to the entire Bering Sea pollock B season, the season in which chum salmon are taken as bycatch.

Alternative 2: Overall PSC limit for chum salmon

Option 1: Chum salmon PSC limit (a range to be informed by PSC data).

PSC limits are apportioned among Community Development (CDQ), catcher/processor (CP), mothership, and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Option 2: Weighted, step-down PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/amount necessary for subsistence (ANS)/escapement and weighted to account for variance in stock sizes across river systems.

PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, CP, mothership and inshore sectors. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Alternative 3: PSC limit for Western Alaska chum salmon

Option 1: Western Alaska chum salmon PSC limit (range to be informed by PSC data).

PSC limits are apportioned among CDQ, CP, mothership, and inshore sectors based on historical total bycatch by sector. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Option 2: Weighted, step-down Western Alaska chum PSC limit triggered by a three-river chum index (Kwiniuk (or index developed for Norton Sound area), Yukon, Kuskokwim) that is linked to prior years' chum abundance/ANS/escapement and weighted to account for variance in stock sizes across river systems.

PSC limits would be triggered and in effect when one or more Western Alaska chum index areas fails to meet index thresholds. As more areas fail to meet index thresholds, chum PSC limits would step-down and become more restrictive. PSC limits are apportioned among CDQ, CP, mothership, and inshore sectors. The inshore limit is further apportioned among the inshore cooperatives. The CDQ limit is further apportioned among the CDQ groups. Reaching a PSC limit closes the pollock fishery sector to which the PSC limit applies.

Alternative 4: Additional regulatory requirements for Incentive Plan Agreements (IPA) to be managed by either NMFS or within the IPAs

Option 1: Require a chum salmon reduction plan agreement to prioritize avoidance in Genetic

Cluster Areas 1 and 2 for a specified amount of time based on two triggers: 1) exceeding an established chum salmon incidental catch rate; and 2) exceeding a historical genetic composition (proportion) of Western Alaska chum salmon to non-Western Alaska chum salmon.

Option 2: Additional regulatory provisions requiring IPAs to utilize the most refined genetic information available to further prioritize avoidance of areas and times with higher proportions of Western Alaska and Upper/Middle Yukon chum stocks.

Scoping and the Role of Public Comment Under NEPA

NEPA is a procedural law with an environmental emphasis intended to facilitate better government decisions concerning the management of our lands and oceans. Drafters of the law believed that by requiring a process designed to provide decision-makers with the best information available about a proposed action and its various alternatives, fewer adverse impacts would occur. NEPA does not dictate protection of the environment, but instead assumes that common sense and good judgment, based on a thorough analysis of impacts of a reasonable range of alternatives, will result in the development of the Nation's resources in a way that minimizes adverse impacts to our environment. This goal is facilitated by requiring a public process whereby the responsible government agency, together with the stakeholders associated with a particular natural resource and development project, present relevant information for use in making decisions.

The development of this EIS provides the opportunity for public participation. Scoping is the term used for involving the public in the NEPA process at its initial stages. In the initial stages of the NEPA process, federal agencies involve the public through the scoping process, which gives the public, other agencies, and interest groups a formal opportunity to comment on potential issues associated with the proposed action. Scoping helps to identify the environmental issues related to the proposed action and identify alternatives to be considered in the EIS. Scoping is accomplished through written communications and consultations with agency officials, interested members of the public and organizations, Alaska Native representatives, and State and local governments.

Where Are We in the NEPA Process Now?

In December 2022, the Council reviewed a discussion paper for this action. In April 2023, the Council reviewed recommendations for concepts for alternatives put forward by the Salmon Bycatch Committee. After review and discussion, NMFS determined that it would develop an EIS for the proposed action based on uncertainty or disagreement regarding the relevant science. The formal scoping period for this EIS began with the publication of a Notice of Intent in the Federal Register on July 11, 2023 (88 FR 44096) announcing NMFS's intention to develop an EIS and inviting public comment through September 15, 2023. In the Notice of Intent NMFS requested written comments from the public on the range of alternatives to be analyzed and on the environmental, social, and economic issues to be considered in the analysis. The NOI was also posted on NMFS website at:

<https://www.fisheries.noaa.gov/resource/document/bering-sea-non-chinook-chum-salmon-bycatch-reduction-environmental-impact>. The NOI was initiated and promulgated under the 2020 Council on Environmental Quality (CEQ) regulations for implementing NEPA (40 CFR 1503.4).

This Scoping Report summarizes the public comments received during the scoping period and informs NMFS, the Council, and the public of the issues that the public would like the Council to consider in developing the Purpose and Need, reasonable range of alternatives, and significant issues to consider in the analysis of the EIS. If the Council decides to proceed with this action at its October 2023 meeting as expected, a draft EIS will be prepared (DEIS). The DEIS will incorporate the Purpose and Need statement,

range of alternatives, and the significant issues to analyze as determined by the Council at the October 2023 meeting. A Notice of Availability for the DEIS would be expected to publish in the Federal Register mid-year 2024 in (Figure 2). Information on this action as it progresses through the NEPA process will be available on the NMFS Alaska Region website:

<https://www.fisheries.noaa.gov/resource/document/bering-sea-non-chinook-chum-salmon-bycatch-reduction-environmental-impact>.

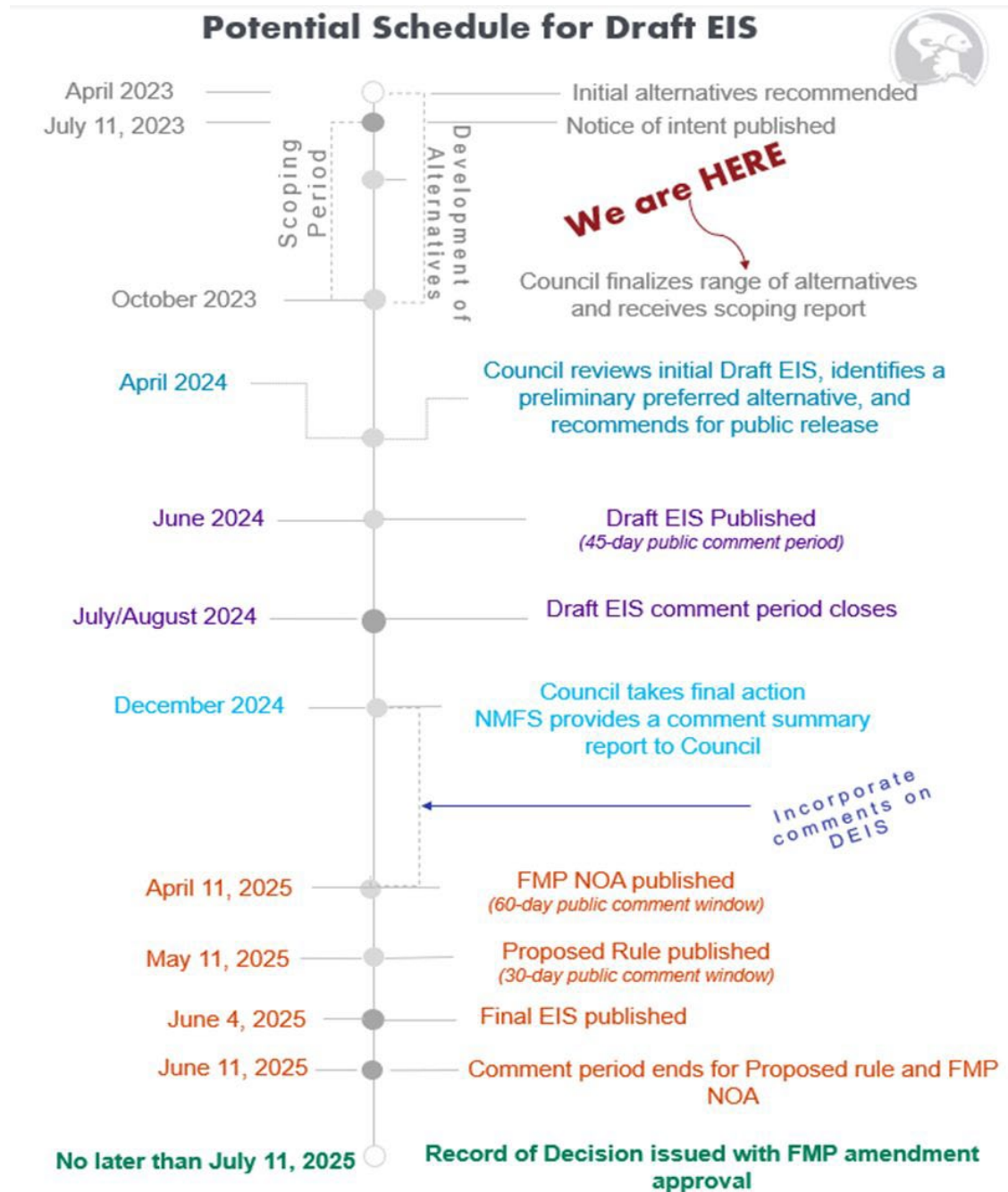


Figure 2. Anticipated schedule for the proposed action as it moves through the Council process.

Tribal Engagement

NMFS has engaged with Alaska Tribal governments and entities and Alaska Native Claims Settlement Act (ANCSA) Corporations regarding the development of the subject DEIS, inviting their comments on the NOI for this action and participation in the Council process. NMFS received public comments on the NOI from Alaska Tribal representatives that specifically addressed Tribal issues related to this action. NMFS has also accepted a request by the Kuskokwim River Inter-Tribal Fish Commission (KRITFC) to be a cooperating agency for this EIS as described in the next section.

NMFS has special obligations to consult and coordinate with Tribal governments and ANCSA corporations pursuant to Executive Order 13175 on “Consultation and Coordination with Indian Tribal Governments” and the Executive Memorandum of April 29, 1994, on “Government-to-Government Relations with Native American Tribal Governments.” Additionally, a recent Presidential memorandum affirms the Federal government’s commitment to including Tribal voices in policy deliberations that affect Tribal communities and recognizes that strong communication is fundamental to a constructive relationship.²

Tribal governments and ANCSA corporations have the opportunity to comment to NMFS at any time; however, comments submitted during the Council process of developing and analyzing alternatives for actions are very helpful and informative for the Council’s decision making process.

More information on the consultation process and contact information is provided at the following website: <https://www.fisheries.noaa.gov/alaska/consultations/tribal-consultations-alaska>.

Cooperating Agencies

The CEQ regulations for implementing the procedural provisions of the NEPA emphasize agency cooperation early in the NEPA process (40 CFR 1501.8). The implementing regulations provide for any federal, State, Tribal, or local agency to be a cooperating agency if it has special expertise with respect to any environmental issue to be addressed in an EIS. Cooperating agencies agree to participate in the early development of the EIS and assist in the writing and review of portions of the EIS that are within their expertise or management responsibility.

The KRITFC requested to be a cooperating agency for this EIS (see Appendix 1). The KRITFC has special expertise on issues related to subsistence use of chum salmon and collaborative management of Kuskokwim River salmon stocks. KRITFC is a Tribal consortium with authorizing resolutions from 27 federally recognized member Tribes throughout the Kuskokwim drainage to act on their behalf in fisheries management, research, and monitoring using the best available Indigenous Knowledge and science. Additionally, since 2016, via authorization of a formal Memorandum of Understanding and Section 804 of the Alaska National Interest Lands Conservation Act (ANILCA), KRITFC and U.S. Fish and Wildlife Service at Yukon Delta National Wildlife Refuge have collaboratively managed Kuskokwim salmon stocks. This includes Chinook, chum, and coho salmon runs for the protection of all three species and the prioritization of rural subsistence harvests as mandated by Title VIII of ANILCA. KRITFC staff have specific experience in the development of management plans based on precautionary, adaptive, and collaborative management. The KRITFC staff will assist NMFS in the development of this EIS to ensure a thorough analysis of issues outside the expertise of NMFS.

² More information can be found at the following website: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>.

Summary of Public Comments Received During Scoping Period

NMFS received 11 individual submissions of public comments. Comments were submitted by representatives of fishing industry, Alaska communities, tribal representatives, and individual fishery participants. NMFS Alaska Region staff compiled all incoming comment submissions to maintain a comprehensive list of all public comments. Additionally, staff assigned each submission a unique identification number. The submissions of comment and their attachments are available directly at <https://www.regulations.gov> under the docket number NOAA-NMFS-2023-0089.³ NMFS reviewed all letters and attachments and summarized the comments received into 87 distinct comments.

This Scoping Report is intended to present a summary of comments for the Council to consider in its deliberation in finalizing its Purpose and Need, reasonable range of alternatives, and significant issues to analyze in the DEIS for this proposed action. Comment submissions with content pertinent to the NOI are included in this Scoping Report. Comment content includes assertions, suggested alternatives or actions, data, background information, or clarifications relating to the DEIS preparation. As the EIS is developed, each comment will be considered. Only those analytical issues that provide an understanding of the impacts of the proposed action and its alternatives on the human environment will be addressed in the EIS. The NEPA implementing regulations define the human environment as comprehensively the natural and physical environment and the relationship of present and future generations of Americans with that environment.

Comments are summarized by topic for this report. In many cases, comments from more than one commenter address the same concern. In those instances, NMFS Alaska Region staff have combined similar themes into a single, summarized comment that most fully represents and articulates the concern expressed by multiple commenters. Therefore, the number of unique comments under each section in this report does not reflect the number of individual comments on any particular topic or subtopic. Comments with a distinct perspective have generally been summarized in part or whole or are partially extracted from the full comment and may include specific details to convey the context of the point being made. Further, some individual comments address more than one interrelated topic in such a way that the comment is not easily separated into the topic framework of this report. Depending on the context of the comment, it could have been included in the section that covers any one of those categories in this report. However, such comments are generally included in only one topic section of the report. This approach is meant to reduce duplication within the report and is not intended to minimize the importance of the other topics within a particular comment. For the full text of individual comments, please reference the comments directly at <https://www.regulations.gov> under docket number NOAA-NMFS-2023-0089.

During the process of identifying substantive content for this report, all comments were treated equally. The emphasis is on the content of the comments. They are not weighted by organizational affiliation or other status of commenters. No effort has been made to tabulate the number of people for or against a specific aspect of a topic. In the interest of producing an EIS that both meets the mission of NMFS and best serves all stakeholders, all comments are considered equally on their merits.

³ Visit www.regulations.gov and enter the docket number NOAA-NMFS-2023-0089 in the search bar.

Quality Control and Review

This Scoping Report was reviewed by the DEIS preparers. Additionally, various procedures were established in the summary process to prevent a submission or comment from being inadvertently omitted. Communication and cross-checking between the submissions and the comments have ensured that all submissions received during the comment period are included in the report. This process of quality control and review is ongoing through the development of the EIS.

List of Scoping Comment Topics

Topic 1: Purpose and Need Statement

- 1.a. Support Purpose and Need Statement
- 1.b. Oppose Purpose and Need Statement
- 1.c. Additional comments on Purpose and Need Statement

Topic 2: Alternatives/Options

- 2.a. Alternatives: support specific alternatives / options
- 2.b. Alternatives: oppose specific alternatives / options
- 2.c. Alternatives: additional comments / suggestions

Topic 3: Comments on significant issues to analyze or consider

- 3.a. Analytical methods and scientific, Local and Traditional Knowledge, and other information
- 3.b. Management, economic, social, and cultural considerations
 - i. Pollock trawl fishery
 - ii. Subsistence fisheries
 - iii. Alaska Natives / Tribes
- 3.c. MSA National Standards
- 3.d. Climate change / Greenhouse gas emissions

Topic 4: Out of the scope of the Purpose and Need for this action.

Scoping Comment Summaries by Topic

Topic 1: Purpose and Need Statement: Minimize non-Chinook (primarily chum) salmon bycatch in the Bering Sea pollock fishery

1.a. Support Purpose and Need Statement

1. The purpose and need adopted by the Council in April 2023 appears to comprehensively address the need for action. It appropriately highlights that the majority of chum salmon bycatch in the pollock fishery is of Russian/Asian hatchery origin. It therefore recognizes that alternatives should structure chum salmon bycatch management measures around improving performance in avoiding Western Alaska chum salmon specifically while at the same time maintaining the priority of the objectives of the Amendment 91 and Amendment 110 Chinook salmon bycatch avoidance program.
2. We maintain ongoing support for the priority stated in the Notice of Intent and Purpose and Need to focus this action on reducing bycatch of chum salmon of Western Alaska origin in the Bering Sea.

1.b. Oppose Purpose and Need Statement

NMFS received no comments that directly opposed the Purpose and Need Statement

1.c. Additional comments on Purpose and Need Statement

1. The implementation of the BSAI groundfish FMP must meet its own objectives, including the reduction of bycatch to biologically and socially acceptable levels.
2. The Purpose and Need statement for this EIS should be revised to set a chum salmon PSC cap on the Bering Sea pollock fishery that provides equity in the conservation measures ensuring the Western Alaska chum salmon stocks do not collapse.
3. The Purpose and Need statement for this EIS should be revised to include true Ecosystem- based Fishery Management that would allow for lower bycatch caps (limits) for all species seeing a decline in population and caps and conservation measures imposed on the trawl fleet; and management of the pollock fishery, including setting caps for bycatch with a comprehensive look at the fishery impacts to the whole ecosystem, including other fisheries, communities, and habitat. Such ecosystem management should also balance the economic benefits of the pollock fishery with the economic, cultural, and ecological devastation it causes and exacerbates, rather than giving the economic benefits an unbalanced weight.

Topic 2: Alternatives / Options

2.a. Alternatives: support specific alternatives / options

NMFS received no comments that directly supported any of the alternatives in their entirety as presented in the NOI.

2.b. Alternatives: oppose specific alternatives / options

1. We opposes Alternative 1 status quo in its entirety. The status quo involved the highest capture of prohibited chum species in a time where the run was so low that in-river subsistence harvest was prohibited. To continue this practice would have a devastating effect on these already threatened runs. Bycatch of chum salmon by the metric tons is unacceptable under any circumstance and especially now with remote Western Alaska seeing the decline and collapse closing fisheries.
2. None of the three action alternatives curb bycatch to an acceptable, equitable level. We request additional alternatives for effective and meaningful bycatch avoidance.
3. Alternative 3: The Western Alaska chum limit will not protect chum during this crisis.
4. Additional regulatory requirements to the pollock industry's IPAs are insufficient to ensure meaningful reduction of chum salmon bycatch now and in the future. The increase in overall chum salmon bycatch after the implementation of Amendment 110 and its reliance on IPA-level chum salmon avoidance demonstrates the inadequacy of the industry to reduce chum salmon bycatch without rigorous Tribal, agency, Council, and public oversight and pressure. We do not support Alternative 4 to insert regulatory requirements into the IPAs without also implementing provisions in Alternatives 2 and 3, including a PSC cap linked to Western Alaska chum salmon abundance and time and area closures.

5. The Western Alaska chum PSC limit presented in Alternative 3 is inadequate to protect threatened chum salmon runs in the Yukon and Kuskokwim Rivers. Chum salmon runs in the Yukon and Kuskokwim Rivers are at an all-time low. Runs are currently insufficient to maintain sustainability. In such desperate times, every salmon counts. While the PSC limit is roughly the average of the last decade bycatch, this period contains the steady decline and near total collapse of the salmon runs in Western Alaska. If anything, the PSC limit should be aligned with the limits prior to the salmon crash, meaning the limit should be cut in half at a bare minimum.
6. We oppose Alternative 4 as a standalone alternative, but we support Alternative 4 in conjunction with variable caps as described in Alternatives 2 and 3, with some modification⁴. The increase of chum bycatch after the implementation of Amendment 110 demonstrates the inability of the industry to reduce bycatch without rigorous oversight and public involvement. Without a variable cap any regulatory requirements are insufficient to ensure the bycatch reduction needed to preserve our salmon.
7. Multiple management measures, including IPAs, have failed to prevent Bering Sea Chinook and chum salmon bycatch from occurring at high levels in some years while multiple directed fisheries in Alaska are closed for conservation purposes. NMFS and the Council have used industry-run voluntary measures, which failed to prevent the 2005-2007 bycatch of over 292,000 Chinook that preceded stock collapses. Regulations implemented in 2016 incorporated chum salmon avoidance into the IPAs, which failed to prevent chum bycatch from increasing significantly over the past decade. For the most vulnerable stocks, in some years the only source of anthropogenic removals is trawl bycatch. The inability to constrain chum salmon bycatch with voluntary measures should inform the need to develop alternatives that can better meet the purpose and need to reduce chum salmon bycatch.

2.c. Alternatives: additional comments / suggestions

Public comments recommended the following types of additional alternatives:

- Alternatives should include PSC limits that extend well below average PSC levels.
- Chum PSC limits should be linked with chum abundance.
- Options for PSC limits should include incentive-based allocations and/or re-allocations reflecting good and poor performance.
- PSC limits should have meaningful short- and long-term impacts.
- Time and area closures should be considered.
- Consider additional tools relative to IPAs.
- Other suggestions for alternatives include 24/7 electronic monitoring, reducing the pollock TAC, and applying Alternatives 2, 3, and 4 to both the A and B seasons.

Chum salmon bycatch (PSC) limits

1. The range of alternatives must include PSC limits that are sufficiently low to restrict bycatch to protect Western Alaska chum salmon stocks. Evaluating “average” PSC levels 2011-2022 (as stated in the Council motion) inappropriately focuses the analysis on a 12-year time period when chum salmon bycatch was well- above (nearly double) the long-term average from 1991-2022. If historical averages are used to set PSC limits, they must reflect the full range of bycatch levels. A reasonable range of alternatives must include PSC limits that extend well below average PSC levels to meet the mandate of National Standard 9 to reduce bycatch.

⁴ Described in other comments in this Scoping Report.

2. Analyze a reasonable range of alternatives that includes abundance-based limits. A Western Alaska chum salmon abundance index should consider both escapement and the subsistence needs of fishery-dependent communities. Chum salmon abundance has historically fluctuated, and there is sufficient data to effectively link PSC levels to Western Alaska chum abundance. This would provide the ability to have lower PSC limits in place to conserve the resource for dependent communities and the ecosystem more broadly when Western Alaska chum salmon runs are depressed.
3. A chum PSC limit should be linked with chum abundance to the extent possible. At times of very high abundance, it makes sense to ease PSC restrictions, and at times of low and very low chum abundance, PSC limits should be ratcheted down to better account for salmon sustainability as well as community and subsistence needs. Regardless of high or low abundance, PSC caps should still be meaningful to reduce overall chum salmon bycatch.
4. Link chum PSC limits to abundance, with meaningful reduction achieved at all levels. As with all responsible management, limits should fluctuate with abundance, rather than being set at a single static level. The EIS should consider abundance indices for Western Alaska chum as a trigger for setting annual limits. The conservation of both the chum resource and Bering Sea fishing opportunity will be collectively better served by considering a management framework that responds to abundance.
5. Set a PSC limit commensurate with chum abundance. In years where the runs are threatened, an inflexible chum cap doesn't protect the run. In years of plenty, the caps act as an arbitrary limit where none is needed. Instead, we recommend setting a variable cap based on the anticipated run size in Western Alaska, first ensuring that escapement and the subsistence needs of the fishery dependent communities in Western Alaska are met. Moreover, when escapement goals are consistently not met and the communities' subsistence needs are not met, the PSC cap for coming years should be reduced to permit recovery of the depleted salmon runs.
6. Chum bycatch should be reduced at all levels of salmon abundance. There may be value from a number of perspectives in exploring linkages to escapement and subsistence needs. These are extremely important considerations. However, in doing so, there needs to be appropriate awareness with regard to the potentially problematic nature of such issues, as well as the importance of reducing bycatch at any level of salmon abundance.
7. Alternatives must include variable caps that fluctuate depending on the abundance of the run size with close attention to escapement goals and the subsistence needs of Western Alaska over time while these populations regain abundance to stabilize for communities of Western Alaska.
8. Option 1 for both Alternative 2 and Alternative 3 (limiting the allocation of a potential PSC cap based on historical total bycatch) creates a perverse incentive, rewarding the vessels and sectors with the worst historical performance. The options being considered relative to PSC allocations of a PSC limit should be broadened to include incentive-based allocations and/or re-allocations, rewarding good bycatch performance and forcing poor performers to improve or face stricter PSC limits. Allocations strictly based on historical performance or pro-rata shares also ignores other spatial constraints of the inshore and offshore sectors and the disproportionate impacts each may have specifically on Western Alaska chum.
9. An overall or Western Alaska chum PSC limit, as presented in the Alternatives, must be low enough to have a meaningful impact short- and long-term. A high static cap will have no conservation outcome for communities that depend on salmon returns as a way of life. The values suggested in the 2023 April Council motion call out "average" bycatch levels to be analyzed from 2011-2022. However, during that 12-year time period, chum bycatch was well-above (nearly double) the long-term average from 1991-2022. This sets a dangerous precedent for selecting an "average" PSC limit based on historically high and unacceptable levels of bycatch.

10. The long overdue development of a chum PSC limit must include numbers and mechanisms that will result in effective changes to the pollock fleet's fishing behavior significant reductions. The short time period of 2011 through 2022 to analyze bycatch levels is far too narrow to capture the relevant history and current conservation needs around chum salmon and their interactions with off-shore industrial fisheries. It focuses attention on a time when chum PSC has been nearly double historic averages, and river returns at historic lows, indicating the potential or even intent to codify an unsustainable and unacceptably high level of PSC through an inflated limit.
11. Chum bycatch should be immediately reduced at least by half the recent bycatch levels to no more than 250,000. These reduced Chum salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska chum salmon recovery. Within a year that bycatch should be further reduced to a 150,000 chum salmon PSC limit. These lower limits should remain in place until such time that the Western Alaska salmon fishery rebounds enough to support a healthy salmon population that meets both the needs of subsistence users and escapement goals for future returns.
12. An overall or western Alaska-focused chum PSC limit, as presented in Alternatives 2 and 3 must be low enough to account for the long-term nature of the salmon crisis, and to have a meaningful and durable impact in both the short- and long- terms. A high PSC limit will not have a meaningful outcome for salmon or Tribal subsistence communities, nor will it address the long-standing nature of the problem. A cap must be significantly lower than the bycatch amounts extending back for decades, which is the duration of this problem.
13. PSC limit numbers must include a full range of numbers at the 'low' end of the spectrum. To do otherwise would not be respectful of the needs to consider all options, to consider the magnitude of the salmon crisis in subsistence communities (who have been expected to have little to no harvest, while anything approaching this has been considered unimaginable with regard to the pollock industry), and to produce an honest, transparent analysis and statement of values with regard to different fisheries, different fishing communities, different National Standards, different social and economic impacts and different bodies of knowledge.
14. Conservation measures for chum salmon should be shared. If fisheries in western Alaska are shut down, then the PSC limits should reflect the shutdown. It can no longer be ignored that what happens in the pollock fishery affects what's taking place in our rivers. Communities on the Yukon, Kuskokwim and numerous other rivers in western Alaska face the strictest of management measures - criminalization - for any harvest of chum or Chinook. If the strictest of measures are taken inriver, strict measures should be seen in federal ocean fisheries.
15. Set meaningful chum and Chinook salmon PSC caps for the Bering Sea pollock fishery, sharing the burden of conservation, preserving the sustainability of salmon, and pursuant to NOAA's Ecosystem-Based Fisheries Management policy. NMFS should revise the range of Alternatives for this EIS to set a chum salmon PSC cap on the Bering Sea pollock fishery that provides equity in the conservation measures ensuring the Western Alaska chum salmon stocks do not collapse. Since the mid- 1990s the Council has recognized the need to adopt meaningful measures to limit the impacts of the Bering Sea pollock fishery on chum salmon through bycatch limits. However, the Council has a long history of not enacting meaningful management measures to address concerns over the number of chum salmon taken as bycatch in the Bering Sea pollock fishery. In 2012, the Council did attempt to develop chum salmon bycatch management measures and was presented with alternatives that included area closures, seasonal caps, and temporal caps. However, the Council refused to select an alternative that would provide meaningful reductions in bycatch of both Chinook and chum salmon since it would result in reduction of the pollock harvest. Instead, under Amendment 110 in 2016, the Council integrated an avoidance program

for chum salmon within the trawl fleet's Incentive Plan Agreements. Since the integration of chum salmon avoidance incentives in the pollock fishery's IPAs in 2016, the number of chum salmon caught by the trawl fleet has been well over the ten-year average of 226,304 fish, and were in fact, the highest bycatch years since 2006.

16. An appropriate metric to trigger a lower bycatch limit in the following year in specific areas during the B-season could include any or all of a combination of failures to meet subsistence needs, escapement failures or other available data such as directed fishery CPUE or in-river fish counts. Over 27 percent of the 2022 western Alaska chum bycatch were age 4 and otherwise could have returned that year or the following year to contribute to escapements. The chum life cycle can be highly variable in terms of their spawning age. Chum typically return to spawn between three and five years old and most frequently at age 4. Historically, over two-thirds of the chum returning to the Yukon River were age four; five year old fish were the second most common returning age of spawners. Most of the chum taken as bycatch are adult fish age three and four. Each successfully spawning chum on average generates nearly two returning fish. In other words, a bycatch limit that responds to poor escapements or other abundance metrics could allow for more returning chum the next year and provide for better future returns. We request that NMFS develop this alternative as part of the agency's obligations under NEPA, regardless of the outcome of the Council's October meeting.
17. During recent periods when chum salmon population declines and direct target and subsistence fishers were severely limited or shut down, the pollock fishery annually caught greater than the ten-year average of chum bycatch. This represents many more fish caught by the pollock trawl fleet than Alaska direct target commercial fishers, subsistence harvesters, and sport fishing combined. The sharp decline in Alaska's chum salmon populations and the high bycatch of chum salmon necessitates NMFS provide a preferred alternative that sets a meaningful PSC limit on chum salmon for the Bering Sea pollock fishery, and not simply a continuation of the status quo or additional IPA measures.
18. Select a Preferred Alternative, based on an Ecosystem-based Fishery Management approach that provides meaningful reductions in bycatch of both Chinook and chum salmon even if it results in reduction of the pollock harvest. While we have grave concerns over the state of chum salmon returning to Western Alaska, and the impacts of bycatch of chum salmon by the pollock trawl fleet on Western Alaska populations, the focus of setting a chum salmon PSC limit without thorough discussion and analysis of the pollock fishery's impacts on other bycatch species and habitat, including Chinook salmon, squid, herring, crab, and halibut is disingenuous and counter to the purpose and intention of the Magnuson-Stevens Act. Pitting and prioritizing one bycaught species against and over others does not get to the root of the problem. Setting PSC limits with a single species focus allows the pollock fishery to continue to take bycatch of all species at an unsustainable level, while keeping a TAC that maximizes and prioritizes the pollock fleet's economic gains. Meanwhile, those fisheries targeting bycaught species continue to shoulder the burden of conservation measures for the recovery of their target species.
19. The Council has used bycatch limits for Bering Sea Chinook to varying degrees for several decades but has set those limits at such high levels that the pollock industry has not shared in conservation burden borne by Alaska fishermen. For example, one of the Council's proposed alternatives would set limits based on average recent bycatch which ranged between 315,000 to 377,000 chum depending on the selected time period. A limit developed under this range of could allow for the bycatch of over 60,000 western Alaska chum each year over time. Even ten to twenty percent reductions using this range may not meaningfully improve escapements or subsistence harvests, let alone provide sufficient salmon escapements to strengthen runs to the point of restoring an important commercial salmon fishery.

Time/area closures

1. Given the failure of previous management measures to constrain chum bycatch we request that NMFS and the Council consider developing an alternative that considers spatial and temporal management measures triggered by abundance-based metrics.
2. While proposed Alternative 4 considers spatial and temporal management measures by adding chum salmon bycatch reduction plan agreements to IPAs, it links those measures to pollock catch rates or the proportion of western Alaska stocks relative to other chum stocks, rather than to western Alaska chum salmon abundance. In other words, bycatch of western Alaska chum could remain high when there are high pollock catch rates or there is a large abundance of other chum stocks. Specifically, NMFS should develop an alternative with temporal bycatch limits and spatial closures that:

(1) considers limits for specific areas during the portions of the B-Season when western Alaska chum bycatch is highest, and

(2) utilizes abundance metrics such as escapements or amounts necessary for subsistence to trigger closures rather than industry catch rates or abundance of other stocks. Past, recent and ongoing chum genetic stock composition analyses can inform the development of an alternative that links bycatch limits with the spatial and temporal distribution of chum salmon bycatch. The largest numbers of bycaught chum that originate in the northeastern Pacific – whether from western Alaska or other parts of Alaska – occur in portions of the Bering Sea east of 170° longitude. Most of the bycatch of western Alaska or other Alaskan fish there occurs during the middle of the B-season, frequently in pulses such as in mid-July and mid-August.

Representatives of western Alaska chum fishermen participating in the Council’s Salmon Bycatch Committee recommended this alternative with two options that would set area-specific bycatch limits in Cluster 1 and close the area for either the early weeks of the B-Season or the entire B-Season. The Council refused to move this alternative forward for further analysis. The Council’s September 2023 analysis indicates that agency staff consulted multiple representatives from the pollock industry in the development of alternatives, but did not consult with individuals who represent western Alaska chum fisheries.

3. Time and area closures should also be considered in addition to an overall PSC cap to target returning Western Alaska chum salmon migrating through the Bering Sea on their journey to natal rivers. Tribal representatives developed a comprehensive set of alternatives for the NPFMC’s Salmon Bycatch Committee for their March 20 meeting ([listed as Proposal 4](#)). That set of alternatives represents a reasonable range and should be included in the analysis.
4. We recommend time and area closures. We applaud efforts to reduce bycatch of chum salmon in the Bering Sea pollock fleet, including but not limited to genetic sampling and identification of spatial, temporal, and thermal trends of chum salmon in the pollock fishery. We encourage the continued use of said studies to further reduce the chum salmon bycatch in the pollock fishery and encourages further efforts to accomplish this priority. As the knowledge in these areas increases, we further support time and area closures to further decrease chum bycatch. Identifying times and areas of high bycatch will allow the fleet to avoid the valuable salmon runs of their further depletion.
5. Time and area closures must also be considered in addition to a PSC cap. The migratory behavior of chum salmon lends itself to an evaluation of time and area closures as part of the analysis. For

instance, there is indication that early B-season tends to see higher proportions of Western Alaska chum, especially in genetic sampling or Cluster Area 1. Focusing timed closures in areas with high Western Alaska chum salmon bycatch rates will ease choke points for returning chum salmon and will allow the most fit individuals to return to their natal rivers to spawn or provide for subsistence users. The available data from time and area closures provides valuable insight into linkages between amounts of bycatch, genetic composition of bycatch, temporal dimensions of bycatch, and spatial dimensions of bycatch.

6. Consider options for time and area closures that have the ability to conserve salmon at key migration times, respond to instances of high PSC rates with dynamic closure options, and focus areas that have Western Alaska chum savings potential specifically. While reducing overall chum PSC is critical, and responding to high PSC rates can help that, there is also benefit to distributing PSC take across time and area. PSC concentrated in singular spaces and times are more likely to remove genetically similar groups. Genetic diversity is a critical component of run plasticity, or, the ability to adapt to and survive ecosystem changes. The conservation of both the chum resource and Bering Sea fishing opportunity will be collectively better served by considering a management framework that responds to abundance as well as temporal and spatial dynamics.

Additional approaches to minimizing chum bycatch (PSC)

1. Other tools that could be explored relative to IPAs that have been part of previous chum salmon management regimes and inter-cooperative agreements, include a chum salmon weekly dirty 20 list (phased out during Amendment 110), inter coop incentives, and outlier provision regulations.
2. Apply Alternatives 2, 3, and 4 to both the A and B season. While the B season has historically seen the highest annual chum salmon bycatch, we request the A season be included as well. Ocean conditions in the Bering Sea are changing rapidly, as are the migration and feeding patterns of the many species that call it home. Salmon runs are currently in a crisis state, which mandates increased scrutiny and monitoring throughout the seasons.
3. Implement video monitoring on all trawl fishing vessels with 24/7 coverage to ensure salmon bycatch does not exceed these hard cap limits.
4. The pollock TAC must be 'on the table' as part of the solution. Part of the suite of behavioral or other changes must include the possibility that the pollock fleet may simply need to fish significantly differently and/or even simply fish less. The TAC must not be treated as sacred. It is just one factor among many, which must be considered; and it must be considered, including changing it, not just protecting it for its economic value.

Topic 3: Comments on significant issues to analyze or consider

3.a. Analytical methods and scientific, Local and Traditional Knowledge, and other information

Genetics Information

1. Genetic Diversity - From 2013-2023, over 3.1 million chum salmon have been taken as bycatch in Bering Sea groundfish fisheries. The cumulative impact of these removals on the genetic diversity and therefore the overall resilience of salmon populations in Western Alaska should be evaluated as part of the EIS. Genetic diversity in the fittest salmon returning to natal rivers is a key element of a populations' resilience and ability to recover from a depressed state. In an increasingly unpredictable and warming climate, anthropogenic activities like bycatch that suppress life-history diversity could have serious consequences, particularly for depressed

populations persisting at ecological and physiological limits. The genetic diversity of each stock is the fail-safe that the population has to adapt and survive over time. If the same genetic portion of that run is removed, such as when bycatch events capture large groups of migrating fish that are likely to be genetically similar, it makes populations more vulnerable to extinction, with compounding effects for salmon-dependent ecosystems and communities.

2. The effectiveness of Western Alaska chum bycatch reduction measures must carefully consider the existing genetics data. Estimates of total Western Alaska chum salmon catch in the pollock fishery are available by Cluster (1-4) and Early/Late time periods (Early: Weeks 24-32, and Late: Weeks 33-43). Accurately predicting the spatio-temporal distribution of Western Alaska chum based on historical genetics information is the primary pathway for effectively reducing bycatch of Western Alaska chum salmon specifically. The EIS should carefully explore the patterns of historical Western Alaska chum salmon distributions to utilize for in-season management measures. If, hypothetically, a three-year time series most accurately reflects future year Western Alaska chum salmon distributions, then the following table would be most useful in determining areas and times that should be subject to increased bycatch avoidance. We envision these tables being updated with the latest genetics information on an annual basis, with trends being monitored continuously (as is currently done informally within the existing IPA management.). Thresholds may also be established such as cluster 4/Late (2% Western Alaska chum proportion), whereby all salmon bycatch avoidance measures are suspended so as not to force the fleet into areas of higher Western Alaska chum salmon. Only the IPAs can adapt to annual changes in genetics information to ensure ongoing prioritized avoidance of Western Alaska chum salmon specifically.
3. Advances in genetic sampling indicate there may be significant spatial trends in chum bycatch in the pollock fishery. For instance, Western Alaska chum is a greater proportion of overall chum bycatch in certain areas, especially in genetic sampling area Clusters 1 and 2. It follows that management measures to reduce chum bycatch should utilize spatial, temporal and thermal trends in extant data to identify ways to maximize reductions in Western Alaska chum bycatch specifically. We encourage NMFS and the Council to consider emerging technologies, such as genetic sampling, proactively in the EIS so that the document is forward-thinking and responsive to the development of more precise management tools longer-term.
4. Severe data limitations exist which could complicate effective development of a reliable index of Western Alaska chum abundance under Option 2 for both Alternative 2 and Alternative 3. Accurate chum salmon run reconstructions via weir projects, sonar counts, test fisheries, aerial surveys, etc. are highly dependent on funding availability, stream flows/flooding, turbidity, weather, and other extemporaneous factors. Reliable and consistent data streams are questionable, as is the arbitrary selection of highly diverse river systems (limited by available data of varying quality) to represent overall Western Alaska chum salmon abundance in the Bering Sea. At present there are three broad categories of data that could inform an index of Western Alaska chum abundance: (i) genetic analyses from pollock fishery bycatch; (ii) escapement/run reconstruction data; and (iii) commercial and subsistence harvest (ANS) data. To formalize a process whereby PSC limits are dependent on any of these three sources would be to assume both ecosystem stationarity and the future availability of those data from an external management body.
5. More research is needed on origin of chum caught in the Bering Sea pollock trawl fishery for meaningful western Alaska bycatch avoidance.

Local (LK) and Traditional/Indigenous Knowledge (TK)

1. TK should be a key component of an EIS and its analysis of social and environmental impacts of salmon bycatch in the pollock fishery, especially as they relate to Western and Interior Alaska communities. It would be impossible to accurately capture the impacts of salmon declines and conservation, or develop successful responses, without incorporating the LK and TK rooted in Western Alaska tribes and rural communities as a foundational source of information and rubric for assessment. Salmon loss to salmon-dependent cultures and communities results in impacts that include and far exceed the economic reliance more readily quantified in statistical analysis. The catastrophic effects of salmon declines, and the extraordinary benefits of conservation, have impacts on livelihood, nutrition, cultural identity, education, spiritual practice, rural economy practices, and many other aspects of community wellness that must carry fundamental weight in analysis, far beyond anecdotal narrative. LTK as well as Tribal consultation can provide additional context and content necessary for properly assessing alternatives for action.
2. TK is part of the best information available, yet has not been treated as such despite National Standard 2. Fisheries science (and its particular model-, instrumentation-, and quantification-based approaches) has failed to steward the resource on its own. Millions of Chinook and chum salmon have been wasted as bycatch in the pollock fishery over the past several decades, many of which were bound for western and interior Alaska. Our Tribes do not believe this is insignificant at any level - not in terms of its species level effects, its effects on the ecosystem, and its effects on our communities and their *iluagniq* (*well-being*, in Inupiaq).

Other analytical approaches and information issues to consider

1. The number of chum salmon that return to Western Alaska rivers given additional chum salmon bycatch measures must be analyzed quantitatively. Assessing numerical savings of Western Alaska chum salmon attributed to Incentive Plan Agreement salmon bycatch measures is difficult given the inability to predict fleet behavior and simulate hypothetical fishing effort. Council and Agency analysts have indicated any IPA options proposed under Alternative 4 will only be qualitatively evaluated, however, we believe this creates an unequal comparison between the existing alternatives.
2. We note that the Council's preliminary review analysis highlights that no low abundance threshold has been established by the Alaska Department of Fish and Game for chum salmon; and that a low abundance threshold would need to be determined by the Council, with perceptions of high vs. low abundance strongly influenced by the time series of data selected.
3. The Council analysis shows no direct correlation between whether the ANS are met and total run reconstruction estimate. We believe the absence of a direct correlation makes this metric a poor indicator of the stock status for Western Alaska chum salmon on a given drainage.
4. SeaState, Inc. developed a catch per unit effort simulation framework to analyze the effects of lowering the base rate (up to 50%) as well as increasing the size of closure areas. The results included five simulated scenarios with maximum estimates of total Western Alaska chum salmon savings of 3,522 (704 per annum average) fish over the recent five-year period (2018-2022). In two of the five years assessed, however, Western Alaska chum catch was estimated to increase relative to the status quo. Further, the proportion of estimated Western Alaska chum in the overall bycatch was calculated for each scenario. Across all scenarios in which chum salmon bycatch management measures were increased—expanding bycatch avoidance areas and decreasing by half the bycatch rate at which bycatch avoidance areas are identified—estimated reductions of the Western Alaska bycatch proportion decreased by a maximum of 1%. In fact, as the rolling hot spot program is enhanced to move the fleet more aggressively, there is increased variability in the predicted Western Alaska chum catch and diminished bycatch mitigation returns. The simulation highlights the difficulty in attempting to avoid 18% of a total population

of a given species, with a very limited understanding of the true spatio-temporal distribution of Western Alaska chum. Quantitative analyses of IPA bycatch mitigation measures are therefore essential to understand estimated impacts to the fleet as well as benefits to in-river salmon returns.

5. Performance metrics relative to bycatch tradeoffs should be extensively and quantitatively assessed for each of the chum salmon bycatch reduction measures considered within this EIS. It is critical to understand that increased avoidance of Western Alaska chum salmon may lead to bycatch tradeoffs. This was particularly evident in the chum salmon analysis completed in 2012, which showed that management actions to move the fleet away from the most productive fishing grounds to avoid chum salmon would extend the season and thus have adverse effects on Chinook salmon bycatch. SeaState, Inc. simulations resulted in marginal increases of Chinook salmon bycatch. However, Chinook bycatch is not the only tradeoff that must be considered. The 2023 B season has provided an example of additional regulatory constraints that must be considered in the context of this EIS. Catcher vessels operating within the Catcher Vessel Operational Area this B-season encountered large schools of herring at depths and in areas not traditionally encountered. Exceeding the pollock fishery's herring PSC limit was avoided by using the cooperative structure to implement voluntary closures to limit herring bycatch. However, catch of chum salmon of the inshore sector more than doubled within three days of implementing voluntary herring bycatch avoidance areas, clearly demonstrating the spatial mismatch of chum and herring distributions. Catcher/processor vessels were also forced to abandon pollock fishing in low chum bycatch areas within the Winter Herring Savings Area and move closer to the shelf break due to increasing herring catches. Chum salmon bycatch rates were significantly higher near the shelf break. These are examples of the daily decisions vessel captains face and the bycatch tradeoffs that must be considered.
6. A chum salmon abundance index should consider both escapement and the subsistence needs of fishery-dependent communities. To be more equitable, NMFS and the Council must concede that the unique life history of salmon and the ecosystems and people dependent upon them necessitates a comprehensive, gravel-to-gravel approach to management. When escapement goals are consistently not met and communities are significantly below their subsistence harvest goals (as measured by ANS), managers are not fully evaluating the systems impacted by their decisions. Bycatch is one of the few salmon life-stage specific mortalities that managers can control, and NMFS and the Council must do more to reduce Western Alaska chum salmon bycatch in a way that is responsive to community and ecosystem needs.
7. Analysis should never assess impact by describing total chum PSC as a percentage of target catch. The extraordinary size of the pollock harvest does not provide an appropriate context for the value and impact of salmon conservation. Incorporate meaningful biological analysis of salmon reproduction and recovery. In past analyses, we have observed a lack of robust salmon science as a cornerstone of impact assessment. Rather, analysis tends to focus on Western Alaska chum as a percentage of overall chum, and a percentage of a total annual escapement goal. This over simplifies the known dynamics of salmon resilience and reproduction, and the value of salmon conservation and biodiversity conservation over time. For example, a management mechanism resulting in an additional 500 chum salmon returning to a salmon system could be assessed as a small benefit, when compared strictly to the annual needs for escapement and subsistence. However, 500 salmon returning to a system in crisis can have a substantial impact on recovery for that system, based on reduced competition for habitat, feed availability, and other critical aspects of reproduction and juvenile survival. Another important component of salmon resilience is genetic diversity in returning salmon, and the long-term impacts of sustained genetic removals. An individual run is made up of a spectrum of genetically similar but not identical salmon; that

returning mixture results in a temporal, spatial and genetic spawning diversity critical to resilience within a dynamic and changing system. Salmon managers have recognized and responded to this within management schemes, including both the State of Alaska today and indigenous stewards throughout the history of these systems. When there are high salmon bycatch events that are likely to contain significant numbers of the same genetic group, or consistent significant removals during the same period of the run each year, the consequences of that genetic composition are as important as the number of fish. Analysis should incorporate the best available science around salmon recovery, including spawning brood tables accounting for reproduction and survival factors at different levels of abundance, and the impacts of genetic removals in the short term and compounded over time.

8. The scope of this EIS analysis must be broad enough to consider biological, ecosystem-wide, and human dimension issues.
9. We request an inquiry into the problem of *Ichthyophonus* found in the massive amounts of pollock processing waste thrown overboard as this diseased waste must be investigated as an additional factor, along with bycatch, of salmon decline. The salmon are known to key into this waste and eat it and *Ichthyophonus* has been detected in salmon on the spawning grounds.

3.b. Management, economic, social, and cultural considerations

3.b.i. Bering Sea pollock fishery Incentive Plan Agreements

1. The current IPAs are the most effective tool for managing Western Alaska chum salmon bycatch now and into an uncertain future. IPAs have two primary tools to further incentivize the fleet to avoid chum salmon generally and Western Alaska chum specifically. Those tools include reducing the bycatch rate threshold (base rate) at which bycatch avoidance areas are considered in areas and times when Western Alaska chum salmon are known to be in greatest abundance. It is important to recognize, however, that careful consideration and extensive analysis was conducted to establish the current base rate for chum salmon. It is predicated on a clear demonstration that lowering base rates below the 0.20 threshold diminishes returns on chum salmon savings; and while possibly reducing impacts on Western Alaska chum specifically, it would likely increase chum catch overall. Years of bycatch data were analyzed to show that closing areas at an extremely low bycatch rate threshold significantly decreases the likelihood that chum salmon abundance is lower outside of those areas. The second primary tool is to enlarge bycatch avoidance areas further, when and where Western Alaska chum salmon are known to be present. Again, chum salmon appear on the grounds in discrete areas and for very short time windows, suggesting that schools move rapidly and do not remain stationary occupying large areas. Accordingly, while Western Alaska chum salmon savings may be achieved, overall chum salmon bycatch reductions are in question.
2. Chum salmon move up onto the Bering Sea shelf and overlap with the pollock fishery in greater numbers as water temperatures increase. Additionally, chum salmon predation of Age 0 pollock increases when abundance is high, as was the case during the protracted warm phase of 2015-2021. Salmon productivity has also historically faltered during warm phases in which the primary productivity shifts from being an ice dominated ecosystem characterized by large lipid rich zooplankton abundance to warmer waters fueling multiple phytoplankton blooms and small copepod abundance and coccolithophore blooms. In short, we believe the current IPA system to be best suited to address the increasing variability in pollock and salmon abundance on the fishing grounds, as well as adapt to longer term changes in species distributions and

abundance due to climate change. Clear incentives are in place to reduce bycatch of chum salmon at all levels of pollock and salmon abundance.

3. IPA revisions can be made at any time and become effective upon Agency approval, providing an avenue for immediate action to address low Western Alaska chum salmon runs. In 2019 and 2020, the Western Alaska chum component of the overall chum bycatch was reduced from a historical annual average of approximately 18% to just 9%. The 50% decline of those stocks in the stock composition highlights the ability of the genetics data to provide limited information on stock status in the marine environment. In response to those declines, the IPA for the CP sector implemented three new measures to further prioritize and reduce chum salmon bycatch for the 2022 B season. Provisions were included to: (i) categorically close all areas with extremely high chum bycatch to all vessels regardless of performance; (ii) make the IPA more responsive to sudden spikes of chum bycatch by implementing bycatch avoidance areas bi-weekly instead of weekly; and (iii) implement a chum outlier provision. These changes have been successful at reducing chum salmon bycatch in the combined CP and CDQ sectors for 2022 and 2023, although it is unclear what additional external factors (including average bottom temperature) have contributed to the reductions.
4. As species distributions shift, the IPA can continue to be responsive to updated genetics information by adapting to inter-annual changes that may occur. Static regulations may direct the pollock fleet to prioritize areas and times where Asian origin hatchery fish are more prevalent, thereby increasing interactions with Western Alaska chum in the future. The greatest challenge of managing chum salmon bycatch in-season is the inability of current genetics to “independently assign” a river of origin either in real time or postseason for each genetic sample collected. In other words, in managing rolling hot spot closures, there is no way to determine whether specific hotspots of chum salmon abundance are predominantly aggregations of hatchery fish produced in Russia / Asia, or chum salmon bound for the Yukon River. In fact, it is impossible to determine post season if/whether a chum salmon caught during a specific haul was a chum salmon reared in the Kuskokwim River or originated from a hatchery in Japan. Only through Bayesian analyses is an estimate of the relative stock of origin proportion possible, albeit on a coarse spatial and temporal scale. We use the most current genetics data to inform when and where bycatch avoidance should be prioritized to minimize impacts on Western Alaska chum salmon.
5. Voluntary IPAs or similar approaches cannot be relied upon as the sole approach to this problem. It took public outcry to get the pollock fleet (and managers) to recently start seriously re-engaging the problem of chum bycatch. Even if the fleet can produce measurable and significant outcomes through these means and mechanisms, they cannot be left to their own devices to do so. Industry should be encouraged to work on such approaches, which may make a good component of a suite of solutions.
6. There has long been a sentiment that if chum are avoided the trawlers will catch more Chinook and vice versa. Industry can and should adopt measures that will allow for sustainable fisheries for all species. No longer pin Chinook and chum salmon bycatch against one another.
7. Amendment 110 clearly showed the trawling industry requires serious oversight to reduce bycatch; voluntary or regulatory requirements are not enough. Efforts such as the 1994 Chum Salmon Savings Area, the 2001 voluntary rolling hot spot closure system, the 2007 BSAI Amendment 84 allowing inter-cooperative Agreements, exemptions from Salmon saving Area Closures, 2010 BSAI FMP Amendment 91, IPAs, observer coverage in the GOA, the 2016 Amendment 110 to the BSAI FMP and GOA FMP were all enacted and bycatch continues and has actually increased. This industry can and must share the burden placed on other fisheries. The cost to them must be passed on to the consumer as a cost of doing business. The time of

"bycatch and bycatch mortality to the extent practicable where appropriate" has long been passed. Conservation measures shall minimize bycatch. Bycatch is wanton waste of communities' food security. This requires rigorous oversight for fairness and equity and promotion of conservation.

8. Alternatives must include measures beyond IPAs. Establishing a non-Chinook PSC limit and management framework is a critical and long-awaited step for our region, which has borne the entirety of regulatory conservation of Western Alaska salmon. We emphasize the importance of moving forward with an equitable standard for regulatory salmon conservation for the Bering Sea pollock fleet, recognizing that voluntary measures are a helpful but incomplete strategy for meaningful conservation-based management. Simply adding regulatory structure to the existing IPAs developed by the pollock industry would not achieve the standard of equitable or meaningful conservation needed in the North Pacific. While the factors contributing to salmon declines are complex, PSC is a known and significant contributor to mortality, and regulatory measures to limit and manage PSC provides a critical path to conserve salmon.

3.b.ii. Subsistence fisheries

General

1. The conservation of both the chum resource and Bering Sea fishing opportunity should be balanced with the subsistence needs of the Western Alaska region. For this reason, we note that recent catch years have resulted in chum PSC take that is beyond what would be sustainable or equitable at any level of Western Alaska chum abundance. The current authorized levels of salmon bycatch are not low enough to ensure there is enough salmon for subsistence users. Subsistence communities depend on these shared resources and have been adversely affected by in-river restrictions and complete closures to subsistence salmon harvest this past year.
2. It is imperative to the people of these regions that immediate action be taken to the reduce Bering Sea trawl fisheries the bycatch of Chinook and Chum salmon. Over many years, subsistence communities with extremely limited resources have been making many conservation efforts to protect the future viability of the fishery. Despite these efforts, access to this critical food source is now being severely restricted. Subsistence salmon harvest in recent years is the lowest harvest levels recorded for Western Alaska communities. It is reasonable that the billion-dollar commercial trawl fisheries should take responsibility to further reduce salmon bycatch. Every salmon that makes it to the spawning grounds counts in this time of diminished returns, and every salmon is needed for there to be any chance of a subsistence harvest opportunity.
3. The importance of continually avoiding and reducing bycatch across all species must be prioritized. Subsistence communities are experiencing stressors across many species. Additionally, it is not acceptable to view the problem using an either/or perspective when it comes to subsistence resources (e.g. decreasing bycatch of one species but allowing it to increase for another to accommodate industry).

Environmental Justice and other cultural and social interests

1. The EIS must equitably address cultural, spiritual and social impacts to subsistence users associated with salmon declines. The closure of subsistence and direct target fisheries in Western Alaska have a devastating effect on communities along the Yukon and Kuskokwim Rivers that depend upon those fish for income, food security, and passing on traditions and cultural practices.
2. While there are economic impacts to communities associated with commercial and subsistence fishery closures, the catastrophic impacts of these closures extend well beyond economics.

Secretary of Commerce Raimondo recently announced Fisheries Disaster Declarations for the Yukon, Kuskokwim, and Norton Sound Fisheries. This acknowledgement is very important. However, even if subsistence communities were to receive some economic relief for the loss of food and livelihood we have suffered, no money can replace the millions of pounds of healthy subsistence salmon we rely on to survive. Nothing can replace the devastating loss of our salmon culture and way of life. All conservation measures are necessary to help rebuild and sustain the salmon population for future generations.

3. The fishing industry has been allowed to waste hundreds of thousands of fish subsistence users depend on. This waste occurs even while *piniagniq* (*subsistence*, in Inupiaq) practitioners of Western and Interior Alaska go without and cannot conduct subsistence fishing. Foregoing this subsistence harvest is done to conserve the resource - the burden of which we, who have the least capacity to do so, bear disproportionately in comparison to the pollock industry. And foregoing this subsistence harvest - a harvest which has nothing to do with the problem - is done in large part per the mandates of the State of Alaska, which has refused to take any reasonable measures to stem the impacts of the directed commercial take of western Alaska salmon in Area M, the incidental take of salmon in the pollock fleet's bycatch, or the production, distribution and consumption of fossil fuels which drive the same climate change which fisheries managers are so fond of focusing on with regard to salmon declines. This has occurred as our salmon resources are depleted to almost nothing and our communities driven to the point of starvation.

3.b.iii. Alaska Natives / Tribes and Communities

General

1. The value of cultural survival and diversity must be considered for the net benefit of the nation and valued for its very character.
2. Providing an alternative that allows for meaningful and effective bycatch avoidance is a great opportunity for NMFS to change the legacy of federal fisheries management in Alaska, which is harming communities and threatening a way of life central to who we are as Native peoples. NOAA says that "Alaska's fisheries are among the best-managed, most sustainable in the world," while western Alaska salmon returns annually weaken. NOAA also states, "Alaska resources provide jobs and a stable food supply for the nation, while supporting a traditional way of life for Alaska Native and local fishing communities." We request that NOAA take meaningful action in regards to chum bycatch to live up to these statements.

Environmental Justice and other cultural and social interests

1. The scope of this EIS must be robust and diverse in its inclusion of Tribes and their knowledge and perspectives.
2. In developing the EIS, NMFS must engage with and consult with affected Tribes in a meaningful way. NMFS should engage with Alaska Native representatives through formal and informal Tribal consultation early on and continue throughout the development of this EIS. This EIS analysis should include early and ongoing Government to Government Consultation with Alaska Native Tribes, and consistent with the Presidential Memorandum on Uniform Standards for Tribal Consultation. All mandates of various kinds must be maximally attended to with regard to Tribal Consultation, Tribal sovereignty, the trust relationship, and human rights.
3. The EIS should include social and environmental impacts of salmon bycatch in the pollock fishery, especially as they relate to Western and Interior Alaska communities, utilizing TK as a key component.

4. The sovereignty of Tribes, their social, cultural and spiritual well-being, their subsistence rights, and the *ella* (environment, in Yup'ik) and resources on which they depend should all be taken into account. The EIS must equitably and robustly address social, cultural, psychological, nutritional, economic, and spiritual impacts to Tribes and subsistence users associated with salmon declines. These impacts have been massive and catastrophic. This includes, but is not limited to, negative impacts to physical, emotional, and mental health; loss of opportunities for intergenerational *apegthuulluku* (*knowledge-sharing*, in St. Lawrence Island Yup'ik); cascading effects and pressures across multiple social and economic structures and subsistence practices; increased vulnerability to changing environmental and economic conditions; negative impacts to Tribal sovereignty.
5. All processes associated with this EIS must involve thorough, systematic, and meaningful two-way engagement and *qanertukut apyutkanek* (*Consultation*, in Yup'ik) with Tribes and Tribal organizations, and ensure equal or greater incorporation of TK in analyses and decision-making. Tribal expertise, social science, and best practices (such as the work products of the Council Local Knowledge, Traditional Knowledge, and Subsistence Taskforce) should be important.
6. The EIS must address how the alternatives would ensure that equity and environmental justice would be achieved.
7. We encourage the Council and NMFS to invite Tribal representatives and Indigenous peoples to be an integral part of development of this EIS analysis. The decision-making of the Council in managing the Bering Sea and Gulf of Alaska pollock fisheries impacts Alaska Native peoples and communities. Alaska Native coastal communities in Western Alaska are bearing the brunt of the burden of conservation measures due to low fish abundance in chum salmon that continue to be bycaught in the Bering Sea and Gulf of Alaska federally managed fisheries.
8. The interests and concerns of Alaska Native coastal communities have been underrepresented in previous NEPA analyses of federal fisheries management in the Bering Sea and Gulf of Alaska. NMFS should correct the historical imbalance and inequitable application of management decisions in the Bering Sea pollock fishery by setting a meaningful chum salmon PSC cap that protects subsistence and direct target chum users and communities.

3.c. Magnuson-Stevens Act National Standards

1. All of the National Standards must be addressed.
2. There are many factors, including the reductions from Maximum Sustainable Yield, which should be taken into account to formulate Optimum Yield and meeting all of the National Standards.

3.d. Climate change / greenhouse gas emissions

1. The EIS must consider managing fisheries in light of climate change and its impacts. Climate change should be considered as a major driver of the salmon decline. Alaska Native Tribes have been pioneers in documenting *silam innigua at̄an̄uqtuaq* (*climate change*, in Inupiaq) and its impacts on natural resources. But climate change as a driver of the salmon decline should not be used as an excuse to fail to appropriately and decisively act to reduce bycatch. Climate change must also be understood as a context within which fisheries managers are required to manage the fisheries.

Topic 4: Out of the scope of the Purpose and Need for this action

1. Significantly reduce salmon bycatch in the Bering Sea trawl fisheries to below the levels currently authorized by the Council in order to protect this important subsistence food that is critical for our survival and the continuation of our traditional lifestyle. Immediately reduce the Chinook salmon bycatch cap in the BSAI commercial fishery to at most 16,000 fish. These reduced Chinook salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook salmon recovery. The Councils believe that these reduced chum salmon bycatch caps are reasonably attainable and should be implemented right away. Even lower salmon bycatch caps should be implemented for the longer term in order to support Western Alaska Chinook and Chum salmon recovery. Within a year, further reduced to a 10,000 Chinook salmon hard cap limit. These lower limits should remain in place until such time that the Western Alaska salmon fishery rebounds enough to support a healthy salmon population that meets both the needs of subsistence users and escapement goals for future returns.
2. Explicitly considered subsistence needs in the management of Bering Sea commercial fisheries. Subsistence representation is critical to this objective and can be accomplished by adding at least two Alaska subsistence representative seats to the Council. Subsistence fishing communities are equal stakeholders in the management of this shared salmon resource and should have a seat at the decision-making Council table, whose decisions directly affects our lives. LKTK of subsistence fishers is critical to the success of salmon conservation management and will be an asset to the Council. We request two designated Alaska Subsistence or Tribal seats be added to the Council. There is precedence and a pathway for this process in place already for the western coast states; namely Federally Recognized Treaty Tribes hold a seat on the Pacific Fishery Management Council. While Alaska Tribes do not have the same fisheries treaty protections, all federally recognized Tribes have retained government to government authority. Rural subsistence communities do have subsistence priority on Federal lands and waters under Title VIII of ANILCA. That subsistence priority is effectively eliminated when salmon escapement is so low it causes severe restrictions or complete closure to any subsistence harvest. Therefore, we need Alaska Subsistence or Tribal representative seats on the Council to be able to vote on fisheries management actions and conservation measures that impact the continuation of subsistence uses. To maintain objectivity, these subsistence or Tribal representatives should not have any direct personal economic ties to the CDQ fisheries. Subsistence or Tribal representative seats must be included on the Council with amendment to the next reauthorization of the Magnuson-Stevens Fishery Conservation and Management Act.
3. The 2004 Programmatic Supplemental Environmental Impact Statement (PSEIS) for the Bering Sea Aleutian Island and Gulf of Alaska Groundfish Fisheries, including the Bering Sea pollock fishery is outdated. The North Pacific is at the forefront of climate change. The 2004 PSEIS is focused on the economic gains of the trawl fleet, and not responsive to the impacts of the fishery on other fish, fisheries, communities, and the ecosystem, and is no longer reliable to inform the sustainability of the fisheries of the Bering Sea and Gulf of Alaska. Since the publication of the 2004 PSEIS, ocean conditions, habitat, and fish populations have changed dramatically. The Bering Sea and Gulf of Alaska have and are experiencing radical changes. Rising ocean temperatures are altering the marine ecosystem and changing fish species distribution and productivity, leading to a series of cascading impacts to the marine ecosystem and the people who depend on its resources. In the past several years, important fish to Alaska's economy and Alaskan's livelihoods, including halibut, crab, Chinook salmon, and chum salmon, are experiencing steep declines. The 2004 PSEIS and 2015 Supplemental Information Report are inadequate to adapt to current and future ocean conditions, and applies the National Standards in an unbalanced manner, and has aggravated the

severe burdens placed upon Alaska’s most dependent fishing participants, Alaska Native people, and coastal communities. To better inform future federal fisheries management and correct the current management regime failings, NMFS undertake a comprehensive NEPA review of the Bering Sea and Gulf of Alaska ecosystems.

List of Preparers

Bridget Mansfield, NMFS

Persons Consulted:

Kate Haapala, NPFMC

Appendices

Appendix 1. Cooperating Agencies

Appendix 2. NEPA Implementing Regulations on Cooperating Agency requirements 40 CFR § 1501.8.



KUSKOKWIM RIVER

INTER-TRIBAL FISH COMMISSION

OUR RIVER, OUR PEOPLE, OUR FISH

P.O. Box 190 Bethel, AK 99559-0190 | (907) 545-7388 | info@kritfc.org | kuskosalmon.org

September 1, 2023

Mr. Jon Kurland Regional Administrator
Alaska Regional Office, National Marine Fisheries Service
PO Box 21668
709 West 9th Street
Juneau, Alaska 99802

Re: Cooperating Agency Request for EIS for Minimizing Non-Chinook Salmon Bycatch in the Bering Sea Pollock Fishery

Dear Administrator Kurland:

The Kuskokwim River Inter-Tribal Fish Commission (KRITFC) requests designation as a cooperating agency pursuant to the National Environmental Policy Act (NEPA) for the [Minimization of Non-Chinook Salmon Bycatch in the Bering Sea Pollock Fishery](#).

KRITFC is making this request under the Council on Environmental Quality (CEQ)'s regulations implementing NEPA. The CEQ regulations define a cooperating agency as "any Federal agency (and a State, Tribal, or local agency with agreement of the lead agency) other than a lead agency that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action that may significantly affect the quality of the human environment."

KRITFC qualifies as a cooperating agency under this definition as a Tribal consortium with authorizing resolutions from 27 Federally recognized Member Tribes throughout the Kuskokwim drainage to act on their behalf in fisheries management, research, and monitoring using the best available Indigenous Knowledge and Western science. Additionally, since 2016, via authorization of a formal Memorandum of Understanding (MOU) and Section 804 of the Alaska National Interest Lands Conservation Act (ANILCA), KRITFC and U.S. Fish and Wildlife Service (FWS) at Yukon Delta National Wildlife Refuge (YDNWR) have collaboratively managed Kuskokwim salmon stocks. The 2023 season marks the eighth consecutive season of collaborative management, and the first that spanned the Chinook, chum, and coho salmon runs due to concerns for the protection of all three species and the prioritization of rural subsistence harvests as mandated by Title VIII of ANILCA.

TELIDA | NIKOLAI | TAKOTNA | MCGRATH | LIME VILLAGE | STONY RIVER | SLEETMUTE | RED DEVIL
GEORGETOWN | CROOKED CREEK | NAPAIMUTE | CHUATHBALUK | ANIAK | UPPER KALSKAG | LOWER KALSKAG | TULUSAK
AKIAK | AKIACHAK | KWETHLUK | BETHEL | OSCARVILLE | NAPASKIAK | NAPAKIAK | KASIGLUK | ATMAUTLUAK
NUNAPITCHUK | TUNTUTULIAK | EEK | QUINHAGAK | KONGIGANAK | KWIGILLINGOK | KIPNUK | CHEFORNAK

KRITFC does not currently have a similar MOU or co-stewardship agreement with NOAA Fisheries, despite its government-to-government relationship with the agency. Nonetheless, KRITFC's role as a cooperative salmon management partner with FWS gives its Executive Council, In-Season Managers, Member Tribes, and staff specific experience in the development of management plans based on precautionary, adaptive, and collaborative management—principles KRITFC hopes to carry into a cooperative agency partnership with NOAA Fisheries.

Minimizing non-Chinook salmon bycatch, over 99% of which is chum salmon, is of utmost importance to KRITFC's Member Tribes. In the past four seasons, Kuskokwim chum salmon stocks have declined up to 97% in some tributaries with devastating effects to salmon-dependent Indigenous communities and ecosystems. While bycatch is one of many factors cumulatively contributing to Kuskokwim and Western Alaskan salmon declines, it is one over which our management bodies, including NOAA Fisheries and the North Pacific Fishery Management Council (Council), have control. Furthermore, the development of non-Chinook salmon bycatch management measures would benefit from the direct engagement, knowledge, expertise, and experience of salmon-dependent Indigenous communities whose well-being and way of life are at stake with proposed Federal action.

As a cooperating agency, KRITFC asks:

- For its appointed staff and/or Executive Council to be involved in all meetings (virtual and in-person), emails, and negotiations about the non-Chinook salmon EIS, including at the agency-level.
- To co-develop timelines and progress goals for the EIS and NEPA process, which should include sufficient time to review any documents developed with its Executive Council and legal team.
- To lead contributions on EIS sections about impacts to salmon-dependent subsistence communities, and to work with regional Tribal partners to develop these for the wider Western Alaska region.
- To coordinate with NOAA Fisheries and Council staff to organize in-region community meetings as a part of the formal scoping process.
- To have dedicated time to present on the Kuskokwim and Western Alaska salmon situation, and developments in this NEPA process, during NOAA Fisheries and Council staff presentations at Council meetings when non-Chinook salmon bycatch management or this EIS is on its agenda.

Thank you for considering this request. Please contact Kevin Whitworth, Executive Director, at 907-524-3088 or kevinwhitworth@kritfc.org if you have any questions. We look forward to your response.

Sincerely,





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
P.O. Box 21668
Juneau, AK 99802-1668

September 20, 2023

Jonathan Samuelson
Kuskokwim River Inter-Tribal Fish Commission
P.O. Box 190
Bethel, Alaska 99559

Dear Mr. Samuelson,

The National Marine Fisheries Service and the North Pacific Fishery Management Council have recently begun preparing an Environmental Impact Statement (EIS), pursuant to the National Environmental Policy Act (NEPA) and implementing regulations (40 C.F.R. § 1501.8), for minimizing non-Chinook salmon bycatch in the Bering Sea/Aleutian Islands Fishery Management Plan area. For this project non-Chinook salmon is understood to be primarily chum salmon.

In response to your September 1, 2023 letter, we accept your request for the Kuskokwim River Inter-Tribal Fish Commission (KRITFC) to participate as a cooperating agency on this project due to KRITFC's special expertise with respect to chum salmon in Western Alaska. We understand that special expertise is related to the subsistence use of chum salmon by federally recognized member Tribes and their salmon-dependent communities throughout the Kuskokwim drainage on whose behalf you act for in-river fisheries management.

Congress has set a statutory timeline of two years for completion of EISs. The July 11, 2023 publication in the Federal Register of the Notice of Intent to develop this EIS began the two-year timeframe for this project, which will end with signing of the Record of Decision for this action. This will entail a tight schedule aligned with the Council's process and schedule.

We would like to meet with you to clarify additional details related to the schedule for the project and specific tasks you would agree to undertake as a cooperating agency. We will reach out to schedule a meeting, and we anticipate confirming an agreement with you regarding your role as a cooperating agency no later than the end of October 2023. We also encourage you to review the Council's preliminary review draft analysis on this topic, posted under Agenda Item C4 for their October 2023 meeting at <https://meetings.npfmc.org/Meeting/Details/3003>, and provide comments to the Council on that document.

Our lead contact for this process will be Bridget Mansfield. Please reach out to her at Bridget.Mansfield@noaa.gov if you have any questions or need additional information. We look forward to meeting with you.

ALASKA REGION – <https://www.fisheries.noaa.gov/region/alaska>



Sincerely,

HARRINGTON.GRETCHEN.ANNE.1365893833
EN.ANNE.1365893833
Digitally signed by
HARRINGTON.GRETCHEN.ANNE.
1365893833
Date: 2023.09.20 13:31:18 -08'00'

Gretchen Harrington
Assistant Regional Administrator
for Sustainable Fisheries

Attachment: CEQ Regulations on Cooperating Agencies (40 C.F.R. § 1501.8)

Appendix 2. NEPA Implementing Regulations on Cooperating Agency requirements 40 CFR § 1501.8.

§ 1501.8 Cooperating agencies.

(a) The purpose of this section is to emphasize agency cooperation early in the NEPA process. Upon request of the lead agency, any Federal agency with jurisdiction by law shall be a cooperating agency. In addition, upon request of the lead agency, any other Federal agency with special expertise with respect to any environmental issue may be a cooperating agency. A State, Tribal, or local agency of similar qualifications may become a cooperating agency by agreement with the lead agency. An agency may request that the lead agency designate it a cooperating agency, and a Federal agency may appeal a denial of its request to the Council, in accordance with [§ 1501.7\(e\)](#).

(b) Each cooperating agency shall:

(1) Participate in the NEPA process at the earliest practicable time.

(2) Participate in the scoping process (described in [§ 1501.9](#)).

(3) On request of the lead agency, assume responsibility for developing information and preparing environmental analyses, including portions of the environmental impact statement or environmental assessment concerning which the cooperating agency has special expertise.

(4) On request of the lead agency, make available staff support to enhance the lead agency's interdisciplinary capability.

(5) Normally use its own funds. To the extent available funds permit, the lead agency shall fund those major activities or analyses it requests from cooperating agencies. Potential lead agencies shall include such funding requirements in their budget requests.

(6) Consult with the lead agency in developing the schedule ([§ 1501.7\(i\)](#)), meet the schedule, and elevate, as soon as practicable, to the senior agency official of the lead agency any issues relating to purpose and need, alternatives, or other issues that may affect any agencies' ability to meet the schedule.

(7) Meet the lead agency's schedule for providing comments and limit its comments to those matters for which it has jurisdiction by law or special expertise with respect to any environmental issue consistent with [§ 1503.2 of this chapter](#).

(8) To the maximum extent practicable, jointly issue environmental documents with the lead agency.

(c) In response to a lead agency's request for assistance in preparing the environmental documents (described in [paragraph \(b\)\(3\)](#), [\(4\)](#), or [\(5\)](#) of this section), a cooperating agency may reply that other program commitments preclude any involvement or the degree of involvement requested in the action that is the subject of the environmental impact statement or environmental assessment. The cooperating agency shall submit a copy of this reply to the Council and the senior agency official of the lead agency.